

FILED

JUL 24 8 29 AM '06

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT GREENEVILLE

U.S. DISTRICT COURT  
EASTERN DISTRICT OF TENN.  
BY \_\_\_\_\_ CLERK

SAM CLICK, JR.

v.

AMANDA COLEMAN

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NO. 2:06-CV- 151

**MEMORANDUM and ORDER**

Sam Click, Jr., a former prisoner in the Johnson County Jail in Mountain City, Tennessee, brings this *pro se* civil rights complaint under 42 U.S.C. § 1983 against a nurse at that facility. The plaintiff's application to proceed *in forma pauperis* is **GRANTED** and the Clerk is **DIRECTED** to file this action without prepayment of the filing fee.

In his complaint, the plaintiff alleges that, minutes before his May 4, 2006 arrest, he was hit in the face with a baseball bat. He claims that he was not taken to the hospital, but, instead, was taken to the jail. He further alleges that the defendant nurse was called; that she refused to permit the plaintiff to be taken to the hospital; and that she told the jailers to place him in a cell. The next morning, the nurse and the guards were written up for not taking the plaintiff to the hospital. Attached to the complaint are copies of the plaintiff's medical records, which reflect that he was taken to the Johnson County Health Center the next morning and treated for head

injuries. The plaintiff would have the Court issue a reprimand to the nurse for her alleged nonfeasance and award him damages for his night of suffering.

The Court has no authority under § 1983 to admonish the defendant nurse for her claimed behavior. And, even if a reprimand were possible, the plaintiff has been released from the Johnson County jail and could not benefit from a formal rebuke of that facility's nurse. Therefore, his request for a reprimand is now **MOOT**. *Kensu v. Haigh*, 87 F.2d 172, 175 (6th Cir. 1996) (prisoner's request for injunctive relief is moot when he is no longer confined in the facility).

As to his claims for monetary relief, however, the Clerk is **DIRECTED** to send the plaintiff a service packet. (A service packet contains a blank summons and USM 285 form.) The plaintiff is **ORDERED** to complete the service packet and to return it to the Clerk's office within twenty (20) days of the date of receipt of this Order. The plaintiff is forewarned that failure to return the completed service packet within the time required could jeopardize his prosecution of this action.

When the completed service packet is received by the Clerk, the summons will be signed and sealed by the Clerk and forwarded to the U.S. Marshal for service upon the defendant. The defendant is **ORDERED** to respond to the complaint in the manner and within the time required by the Federal Rules of Civil Procedure.

Finally, the plaintiff is **ORDERED** to inform the Court of any address change within ten (10) days following such change. He is further cautioned that his failure to do so will result in a dismissal of this action for failure to prosecute.

**ENTER:**



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J. RONNIE GREER  
UNITED STATES DISTRICT JUDGE